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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of
Hiroshi Ohta
Application No. 09/781,280
Filed: February 13, 2001
For: **OBJECT EXTRACTION DEVICE, OBJECT
EXTRACTION METHOD, AND RECORDING
MEDIA FOR STORING AN OBJECT
EXTRACTION PROGRAM**

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the request filed July 21, 2005, as corrected on July 25, 2005, which is treated as a Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

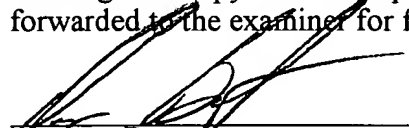
The application was held abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed March 22, 2004. A Notice of Abandonment was mailed on July 18, 2005.

Petitioner asserts that a proper response was timely filed on June 22, 2004. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on June 22, 2004.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition. From there, the file will be forwarded to the examiner for further examination in due course.


Wayne Bost
Special Program Examiner
Technology Center 2600
Communications